

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 992 of 1984

Date of decision:02-09-96

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India,1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SIKKA CEMENT & GENERAL

WORKERS UNION JAMNAGAR

Versus

STATE OF GUJARAT

Appearance:

MR JIVANLAL G SHAH for Petitioner

Mr. Mukesh Patel for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/09/96

ORAL JUDGEMENT

The petitioner, a union of workers who were working in Digvijay Cement Company, filed this petition praying for a direction to the State Government and the Labour Commissioner of the State of Gujarat to make on the spot inquiry of the factory and business premises of Digvijay Cement Company and to report to the court as to whether the said Company and its labour contractors have

complied with the provisions of the Act of 1970 and also to report as to which of the facilities and amenities which the respondents are supposed to supply to the workmen working in the premises of the Company and not being supplied to them. Further prayer has been made in the petition to direct the State Government to hold inquiry as contemplated by section 25N of the Act of 1970 and to determine as to whether the said Company was justified in giving the impugned retrenchment notice dated 19-1-1984 and to retrench the workmen sought to be retrenched by the said notice. Other prayers made by the petitioner directly related to respondent No.2. Respondents No.2 and 3 have been deleted at the instance of the petitioner. In view of the aforesaid fact the prayer which has been made by the petitioner in para 6(D),(E) and (F) cannot be granted.

2. So far as the prayers as restricted above by the petitioner are concerned, suffice it to say that they cannot be allowed and granted in absence of respondent No.2. If such a prayer is granted to the petitioner by this court then it may cause some prejudice to respondent No.2. Any relief granted to the petitioner which affects or causes some prejudice to a person who is not a party before this court should not be granted. Otherwise it will result in violation of the principles of natural justice. In substance the prayers extracted above are against respondent No.2 though investigation and inquiry has to be made by the officers of the State. In absence of respondent No.2 this prayer cannot be granted.

3. In the result the writ petition fails and the same is dismissed. Rule discharged. No order as to costs.

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